

**Introduced by Senator Kuehl**

January 17, 2003

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An act to amend Sections 221.5, 37631, 41840, 48980, and 51851 of, to add Chapter 5.6 (commencing with Section 51930) to Part 28 of, to repeal Sections 51201.5, 51229, 51229.5, 51229.8, and 51240 of, to repeal Article 6 (commencing with Section 51550) of Chapter 4 of Part 28 of, and to repeal Article 11 (commencing with Section 51820) of Chapter 5 of Part 28 of, the Education Code, relating to instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 71, as introduced, Kuehl. Education: sexual health and HIV/AIDS prevention instruction.

Existing law contains various provisions relating to the instruction in the public schools on AIDS prevention, venereal disease and other sexually transmitted diseases, sex, and abstinence from sexual activity, and the manner in which parents or guardians may excuse their child from this instruction.

This bill would consolidate those provisions by establishing the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act. The act would, among other things, authorize school districts to provide comprehensive sexual health education, as defined, in kindergarten and grades 1 to 12, inclusive, and would require school districts to ensure that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as defined. The bill would also make conforming changes to related provisions of law and make technical, nonsubstantive changes to some of those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 221.5 of the Education Code is amended to read:

221.5. (a) It is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses.

(b) ~~No~~ A school district ~~shall~~ *may not* prohibit ~~any~~ a pupil from enrolling in any class or course on the basis of the sex of the pupil, except a class subject to ~~Section 51550~~ Chapter 5.6 (commencing with Section 51930) of Part 28.

(c) ~~No~~ A school district ~~shall~~ *may not* require ~~pupils~~ a pupil of one sex to enroll in a particular class or course, unless the same class or course is also required of ~~pupils~~ a pupil of the opposite sex.

(d) ~~No~~ A school counselor, teacher, instructor, administrator, or aide ~~shall~~ *may not*, on the basis of the sex of a pupil, offer vocational or school program guidance to ~~pupils~~ a pupil of one sex that is different from that offered to ~~pupils~~ a pupil of the opposite sex or, in counseling ~~pupils~~ a pupil, differentiate career, vocational, or higher education opportunities on the basis of the sex of the pupil counseled. Any school personnel acting in a career counseling or course selection capacity to ~~any~~ a pupil shall affirmatively explore with the pupil the possibility of careers, or courses leading to careers, that are nontraditional for that pupil's sex. The parents or legal guardian of the pupil shall be notified in a general manner at least once in the manner prescribed by Section 48980, in advance of career counseling and course selection commencing with course selection for grade 7 so that they may participate in the counseling sessions and decisions.

(e) Participation in a particular physical education activity or sport, if required of pupils of one sex, shall be available to pupils of each sex.

SEC. 2. Section 37631 of the Education Code is amended to read:

37631. The courses of instruction offered at a school maintained pursuant to this chapter shall meet all applicable requirements of law, including the requirements prescribed by ~~or pursuant to Sections 51550, 51551, and 51820, and Chapter 2~~ (commencing with Section 51200) of Part 28 ~~of Division 4 of this~~

1 ~~title~~ relating to physical education *and Chapter 5.6 (commencing*  
2 *with Section 51930) of Part 28.* For ~~such~~ *these* purposes the  
3 instructional program shall be designed to provide at least the  
4 overall equivalent in instruction in each course of study required  
5 by law to be provided in kindergarten and grades 1 to 12, inclusive,  
6 upon ~~a pupil's~~ *the completion by a pupil* of the work prescribed for  
7 any particular grade.

8 SEC. 3. Section 41840 of the Education Code is amended to  
9 read:

10 41840. A school district or county superintendent of schools  
11 may only claim average daily attendance for apportionment  
12 purposes for schools or classes maintained for adults in  
13 correctional facilities if those classes meet the requirements of  
14 Section 41976. In addition, any of those classes offered pursuant  
15 to paragraph (10) of subdivision (a) of Section 41976 shall meet  
16 the requirements of Section ~~51201.5~~ *51934*, 51202, or 51203, as  
17 the case may be.

18 SEC. 4. Section 48980 of the Education Code is amended to  
19 read:

20 48980. (a) At the beginning of the first semester or quarter of  
21 the regular school term, the governing board of each school district  
22 shall notify the parent or guardian of ~~its~~ *a minor pupils pupil*  
23 regarding the right or responsibility of the parent or guardian under  
24 Sections 35291, 46014, 48205, 48207, 48208, 49403, 49423,  
25 49451, 49472, ~~51240, and 51550~~ *and 51937* and Chapter 2.3  
26 (commencing with Section 32255) of Part 19.

27 (b) The notification also shall advise the parent or guardian of  
28 the availability of individualized instruction as prescribed by  
29 Section 48206.3, and of the program prescribed by Article 9  
30 (commencing with Section 49510) of Chapter 9.

31 (c) The notification shall also advise the parents and guardians  
32 of all pupils attending a school within the district of the schedule  
33 of minimum days and pupil-free staff development days, and if  
34 any minimum or pupil-free staff development days are scheduled  
35 thereafter, the governing board shall notify parents and guardians  
36 of the affected pupils as early as possible, but not later than one  
37 month before the scheduled minimum or pupil-free day.

38 (d) The notification also may advise the parent or guardian of  
39 the importance of investing for future college or university  
40 education for their children and of considering appropriate

1 investment options including, but not limited to, United States  
2 Savings Bonds.

3 (e) Commencing with the 2000–01 school year, and each  
4 school year thereafter, the notification shall advise the parent or  
5 guardian of the pupil that, commencing with the 2003–04 school  
6 year, and each school year thereafter, each pupil completing 12th  
7 grade will be required to successfully pass the high school exit  
8 examination administered pursuant to Chapter 8 (commencing  
9 with Section 60850) of Part 33. The notification shall include, at  
10 a minimum, the date of the examination, the requirements for  
11 passing the examination, and shall inform the parents and  
12 guardians regarding the consequences of not passing the  
13 examination and shall inform parents and guardians that passing  
14 the examination is a condition of graduation.

15 (f) Each school district that elects to provide a fingerprinting  
16 program pursuant to Article 10 (commencing with Section 32390)  
17 shall inform parents or guardians of the program as specified in  
18 Section 32390.

19 ~~(g) Until July 1, 1998, the notification shall also advise the~~  
20 ~~parent or guardian of the availability of the employment-based~~  
21 ~~school attendance options pursuant to subdivision (f) of Section~~  
22 ~~48204.~~

23 ~~(h)~~ The notification shall also include a copy of the district's  
24 written policy on sexual harassment established pursuant to  
25 Section 212.6, as it relates to pupils.

26 ~~(i) Commencing July 1, 1998, the~~

27 (h) The notification shall include a copy of the written policy  
28 of the school district adopted pursuant to Section 51870.5  
29 regarding access by pupils to Internet and online sites.

30 ~~(j)~~

31 (i) The notification shall advise the parent or guardian of all  
32 ~~current~~ existing statutory attendance options and local attendance  
33 options available in the school district. That notification shall  
34 include all options for meeting residency requirements for school  
35 attendance, programmatic options offered within the local  
36 attendance areas, and any special programmatic options available  
37 on both an interdistrict and intradistrict basis. That notification  
38 shall also include a description of all options, a description of the  
39 procedure for application for alternative attendance areas or  
40 programs, an application form from the district for requesting a

change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification shall also include an explanation of the ~~current~~ existing statutory attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, subdivision (f) of Section 48204, and Article 1.5 (commencing with Section 48209) of Chapter 2 of Part 27. The State Department of Education shall produce this portion of the notification and shall distribute it to all school districts.

~~(k)~~

(j) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within their districts and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interests of California's pupils.

~~(l)~~

(k) The notification shall advise the parent or guardian that no pupil may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 ~~when~~ if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

~~(m)~~

(l) The notification shall advise the parent or guardian of the availability of state funds to cover the costs of advanced placement examination fees pursuant to Section 52244.

SEC. 5. Section 51201.5 of the Education Code is repealed.

~~51201.5. (a) Commencing in the 1992-93 school year, school districts shall ensure that all pupils in grades 7 to 12, inclusive, or the equivalent thereof, except as otherwise provided in subdivision (c), receive AIDS prevention instruction from adequately trained instructors in appropriate courses. Each pupil shall receive the instruction at least once in junior high or middle school and once in high school. For purposes of this subdivision, "school district" includes county boards of education, county superintendents of schools, and the State Schools for the Handicapped.~~

~~(b) The required AIDS prevention instruction shall accurately reflect the latest information and recommendations from the~~

~~United States Surgeon General, federal Centers for Disease Control, and the National Academy of Sciences, and shall include the following:~~

~~(1) Information on the nature of AIDS and its effects on the human body.~~

~~(2) Information on how the human immunodeficiency virus (HIV) is and is not transmitted, including information on activities that present the highest risk of HIV infection.~~

~~(3) Discussion of methods to reduce the risk of HIV infection. This instruction shall emphasize that sexual abstinence, monogamy, the avoidance of multiple sexual partners, and abstinence from intravenous drug use are the most effective means for AIDS prevention, but shall also include statistics based upon the latest medical information citing the failure and success rates of condoms and other contraceptives in preventing sexually transmitted HIV infection and information on other methods that may reduce the risk of HIV transmission from intravenous drug use. Nothing in this section shall be construed to supersede Section 51553.~~

~~(4) Discussion of the public health issues associated with AIDS.~~

~~(5) Information on local resources for HIV testing and medical care.~~

~~(6) Development of refusal skills to assist pupils in overcoming peer pressure and using effective decisionmaking skills to avoid high-risk activities.~~

~~(7) Discussion about societal views on AIDS, including stereotypes and myths regarding persons with AIDS. This instruction shall emphasize compassion for persons suffering from debilitating handicaps and terminal diseases, such as AIDS.~~

~~(e) AIDS prevention instruction may not be conducted in a manner that advocates drug use, a particular sexual practice, or sexual activities. AIDS prevention instruction shall be consistent with Section 51553.~~

~~(d) At the beginning of each school year or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, the governing board of each school district, each county board of education, and each county superintendent of schools, as applicable, shall provide the parent or guardian of each pupil in grades 7 to 12, inclusive, or the~~

1 equivalent thereof, with written notice explaining the purpose of  
2 the AIDS prevention instruction and information stating the  
3 parent's or guardian's right to request a copy of this section and  
4 Section 51553, related to AIDS prevention instruction. The  
5 governing board of each school district, each county board of  
6 education, and each county superintendent of schools, as  
7 applicable, shall keep on file copies of this section and Section  
8 51553. The Superintendent of Public Instruction shall provide the  
9 parent or guardian of each pupil in grades 7 to 12, inclusive, or the  
10 equivalent thereof, in the State Schools for the Handicapped with  
11 written notice explaining the purpose of the AIDS prevention  
12 instruction.

13 (1) The notice shall specify that any parent or guardian may  
14 request that his or her child or ward not receive instruction in AIDS  
15 prevention. No pupil shall attend the AIDS prevention instruction  
16 if a written request that he or she not attend has been received by  
17 the school. For the governing boards of school districts, this  
18 notification shall accompany the reporting of rights and  
19 responsibilities required by Section 48980.

20 (2) If authorized by the school district governing board, a  
21 school district may require parental consent prior to providing  
22 instruction on AIDS prevention to any minor pupil.

23 (3) At any time that an outside organization or guest speaker is  
24 scheduled to deliver AIDS prevention instruction, or anytime an  
25 assembly is held to deliver AIDS prevention instruction,  
26 notification shall be sent to the pupils' parents or legal guardians  
27 through regular United States mail, or any other method that the  
28 school district, county board of education, or county  
29 superintendent of schools, as applicable, commonly uses to  
30 communicate individually in writing to all parents or guardians, at  
31 the beginning of the school year or, with respect to a pupil who  
32 enrolls in a school after the beginning of the school year, at the time  
33 of that pupil's enrollment. If arrangements for this instruction are  
34 made after these occurrences, notice shall be mailed, or provided  
35 by the alternative method of notification otherwise commonly  
36 used, no fewer than 10, and no more than 15, days before the  
37 instruction is delivered. Notification sent pursuant to this  
38 paragraph shall include the date of the instruction, the name of the  
39 organization or affiliation of each guest speaker, and information  
40 stating the parent's or guardian's right to request a copy of this



~~section and Section 51553, related to AIDS prevention instruction. The governing board of each school district, each county board of education, and each county superintendent of schools, as applicable, shall keep on file copies of this section and Section 51553.~~

~~(e) All school districts shall ensure all of the following:~~

~~(1) That instructional materials related to this instruction are available.~~

~~(2) That these instructional materials are appropriate for use with pupils of various ages and learning abilities.~~

~~(3) That these instructional materials may be used effectively with pupils from a variety of ethnic, cultural, and linguistic backgrounds, and pupils with special needs.~~

~~(f) A pupil shall not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive the instruction described in subdivision (a) and the pupil does not receive the instruction.~~

~~(g) While the instruction described in subdivision (a) is being delivered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction described in subdivision (a).~~

~~SEC. 6. Section 51229 of the Education Code is repealed.~~

~~51229. (a) The Legislature hereby finds and declares all of the following:~~

~~(1) That abstinence is the only completely effective method of preventing pregnancy, acquired immune deficiency syndrome (AIDS), and other sexually transmitted diseases.~~

~~(2) That existing law does not provide for either specific instruction or instructional materials in the curriculum to address the issue of abstinence from sexual intercourse, exclusive from other sexual behavior.~~

~~(b) The Superintendent of Public Instruction shall contract with an organization to develop a videotape and supplementary materials that would teach abstinence from sexual activity.~~

~~(c) Schools electing to use this videotape may use it within the context of comprehensive health education programs.~~

~~(d) The videotape and supplementary materials shall be compatible with the Family Life Education Guidelines adopted in 1987 by the State Board of Education and shall, at a minimum, do all of the following:~~



1 ~~(1) Present the main theme of “It’s Okay To Say No To Sex,”~~  
2 ~~that would be directed to pupils in grades 7 to 12, inclusive.~~

3 ~~(2) Be pupil-centered, not teacher-centered, using pupils as~~  
4 ~~presenters in the video to reflect the pressure pupils feel from their~~  
5 ~~peers, both male and female and from the media. The content of~~  
6 ~~the video shall be acceptable for presentation on television and of~~  
7 ~~high enough quality to be used as shorts on television as public~~  
8 ~~service announcements.~~

9 ~~(3) Focus on the process of decisionmaking that pupils use~~  
10 ~~when confronted with decisions about engaging in sex. The video~~  
11 ~~shall portray refusal skills and reflect the decisionmaking~~  
12 ~~processes taught in the school curriculum.~~

13 ~~(4) Portray vignettes dispelling myths on why pupils engage in~~  
14 ~~sex.~~

15 ~~(5) Portray strategies for saying no for males and females.~~

16 ~~(6) Discuss the topic of abstinence and encourage teens to take~~  
17 ~~responsibility and make ethical and reasoned decisions in the~~  
18 ~~prevention of teen pregnancy, with the idea of the videotapes being~~  
19 ~~used over a long period of time.~~

20 ~~(c) The videotape and the supplementary materials shall be~~  
21 ~~reviewed by the State Board of Education.~~

22 SEC. 7. Section 51229.5 of the Education Code is repealed.

23 ~~51229.5. Video tapes that have already been developed and~~  
24 ~~conform with the criteria established in Section 51229 may be~~  
25 ~~purchased by the State Department of Education for the purposes~~  
26 ~~of distribution to schools electing to use them within the context~~  
27 ~~of comprehensive health education programs. The~~  
28 ~~Comprehensive Health Education Resource Center within the~~  
29 ~~State Department of Education may purchase and act as the~~  
30 ~~distributing agent for these video tapes, using their usual selection~~  
31 ~~and distribution processes. These video tapes shall represent a~~  
32 ~~broad spectrum of approaches, ensuring diversity in terms of age~~  
33 ~~and maturity levels, ethnic diversity, and urban, suburban, and~~  
34 ~~rural environments.~~

35 SEC. 8. Section 51229.8 of the Education Code is repealed.

36 ~~51229.8. County offices of education and school districts,~~  
37 ~~through regional planning, joint powers agreements, or contract~~  
38 ~~services, shall cooperatively plan and conduct in-service training~~  
39 ~~to all teachers and school employees who provide AIDS~~  
40 ~~prevention instruction. This in-service training shall be conducted~~

~~periodically to enable staff to remain current with new developments in the scientific understanding of AIDS as well as with new prevention education techniques. In-service training shall be voluntary for teachers or school employees who have demonstrated expertise or have already received in-service training by the State Department of Education or the federal Centers for Disease Control, or other appropriate agency or group. The training shall be provided by persons with expertise in AIDS prevention education, including, but not limited to, school nurses or certified health educators who are qualified to provide training in AIDS education. In developing and providing the in-service training, county offices of education and school districts shall cooperate and collaborate with the AIDS Advisory Task Force in the State Department of Education. It is the intent of the Legislature that, to the extent possible, training be provided to a team of educators and parents including school board members, administrators, teachers, parents, classified personnel, and counselors.~~

SEC. 9. Section 51240 of the Education Code is repealed.

~~51240. Whenever any part of the instruction in health, family life education, and sex education conflicts with the religious training and beliefs of the parent or guardian of any pupil, the pupil, on written request of the parent or guardian, shall be excused from the part of the training which conflicts with such religious training and beliefs.~~

~~As used in this section, "religious training and beliefs" includes personal moral convictions.~~

SEC. 10. Article 6 (commencing with Section 51550) of Chapter 4 of Part 28 of the Education Code is repealed.

SEC. 11. Article 11 (commencing with Section 51820) of Chapter 5 of Part 28 of the Education Code is repealed.

SEC. 12. Section 51851 of the Education Code is amended to read:

51851. A course of instruction in automobile driver education shall *meet all of the following*:

(a) Be of at least 2<sup>1</sup>/<sub>2</sub> semester periods and shall be taught by a qualified instructor;

(b) Provide the opportunity for ~~students~~ *pupils* to take driver education within the regular schoolday, and within the regular academic year, as defined in Section 37250. Additional classes

may be offered at the discretion of the local school district governing board, the county superintendent of schools, California Youth Authority, and the State Department of Education, to accommodate ~~those~~ *the pupils* who have failed or ~~those~~ who cannot otherwise enroll in the regular schoolday program. For purposes of this section, the regular schoolday shall be that time during which classes are maintained in the courses of instruction provided for in Chapter 1 (commencing with Section 51000), Chapter 2 (commencing with Section 51200), Article 1 (commencing with Section 51500), Article 2 (commencing with Section 51510), Article 3 (commencing with Section 51520), and Article 4 (commencing with Section 51530), ~~Article 6 (commencing with Section 51550) of Chapter 4, and Chapter 5.6 (commencing with Section 51930) of this part, Article 11 (commencing with Section 51820) of this chapter, and Chapter 2 (commencing with Section 58400) of Part 31 of this division; and.~~

(c) Be completed by the ~~student~~ *pupil* within the academic year or summer session in which it was begun.

SEC. 13. Chapter 5.6 (commencing with Section 51930) is added to Part 28 of the Education Code, to read:

CHAPTER 5.6. CALIFORNIA COMPREHENSIVE SEXUAL HEALTH  
AND HIV/AIDS PREVENTION EDUCATION ACT

Article 1. General

51930. (a) This chapter shall be known and may be cited as the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act.

(b) The purposes of this chapter are as follows:

(1) To provide a pupil with the knowledge and skills necessary to protect his or her sexual and reproductive health from unintended pregnancy and sexually transmitted diseases.

(2) To encourage a pupil to develop healthy attitudes and values about adolescent growth and development, body image, gender roles, sexual orientation, romantic involvement, marriage, and family.

51931. For the purposes of this chapter, the following definitions apply:

(a) “Comprehensive sexual health education” means education regarding human development and sexuality, including education on pregnancy, family planning, and sexually transmitted diseases.

(b) “English learner” means a pupil as described in subdivision (a) of Section 306.

(c) “HIV/AIDS prevention education” means instruction on the nature of HIV/AIDS, methods of transmission, strategies to reduce the risk of human immunodeficiency virus (HIV) infection, and social and public health issues related to HIV/AIDS. For the purposes of this chapter, “HIV/AIDS prevention education” is not comprehensive sexual health education.

(d) “Instructors trained in the appropriate courses” means instructors with knowledge of the most recent medically accurate research on human sexuality, pregnancy, and sexually transmitted diseases.

(e) “Medically accurate” means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention.

(f) “School district” includes county boards of education, county superintendents of schools, the California School for the Deaf, and the California School for the Blind.

51932. (a) This chapter does not apply to description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, on physiology, biology, zoology, general science, personal hygiene, or health.

(b) This chapter does not apply to instruction or materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their functions.

## Article 2. Authorized Comprehensive Sexual Health Education

51933. (a) School districts may provide comprehensive sexual health education in kindergarten and grades 1 to 12, inclusive, using instructors trained in the appropriate courses.

(b) Comprehensive sexual health education, whether taught by school district personnel or outside consultants, shall satisfy all of the following criteria:

(1) Instruction and materials shall be age appropriate.

(2) All factual information presented shall be medically accurate.

(3) Instruction shall be made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil.

(4) Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds, and pupils with disabilities.

(5) Instruction and materials shall encourage pupil to communicate with his or her parents or guardians about human sexuality.

(6) Instruction and materials shall teach respect for marriage and committed relationships.

(7) If age appropriate, instruction and materials shall teach that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy and sexually transmitted diseases, and shall stress the value of abstinence while not ignoring those young people who have been or are sexually active.

(8) If age appropriate, instruction and materials shall provide information about the effectiveness and safety, including the health benefits and side effects, of all contraceptive methods in preventing pregnancy and reducing the risk of contracting sexually transmitted diseases.

(9) If age appropriate, instruction and materials shall provide pupils with skills for negotiating intimate relationships and making and implementing responsible decisions about sexuality.

(c) Comprehensive sexual health education shall not include any instruction or materials that do either of the following:

(1) Teach or promote religious doctrine.

(2) Reflect or promote bias against any person on the basis of any category protected by Section 220.

### Article 3. Required HIV/AIDS Prevention Education

51934. (a) A school district shall ensure that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education

1 from instructors trained in the appropriate courses. Each pupil  
2 shall receive this instruction at least once in junior high or middle  
3 school and at least once in high school.

4 (b) HIV/AIDS prevention education, whether taught by school  
5 district personnel or outside consultants, shall satisfy all of the  
6 criteria set forth in paragraphs (1) to (5), inclusive, of subdivision  
7 (b) and subdivision (c) of Section 51933, shall accurately reflect  
8 the latest information and recommendations from the United  
9 States Surgeon General, the federal Centers for Disease Control  
10 and Prevention, and the National Academy of Sciences, and shall  
11 include the following:

12 (1) Information on the nature of HIV/AIDS and its effects on  
13 the human body.

14 (2) Information on the manner in which HIV is and is not  
15 transmitted, including information on activities that present the  
16 highest risk of HIV infection.

17 (3) Discussion of methods to reduce the risk of HIV infection.  
18 This instruction shall emphasize that sexual abstinence,  
19 monogamy, the avoidance of multiple sexual partners, and  
20 abstinence from intravenous drug use are the most effective means  
21 for HIV/AIDS prevention, but shall also include statistics based  
22 upon the latest medical information citing the success and failure  
23 rates of condoms and other contraceptives in preventing sexually  
24 transmitted HIV infection, as well as information on other  
25 methods that may reduce the risk of HIV transmission from  
26 intravenous drug use.

27 (4) Discussion of the public health issues associated with  
28 HIV/AIDS.

29 (5) Information on local resources for HIV testing and medical  
30 care.

31 (6) Development of refusal skills to assist pupils in overcoming  
32 peer pressure and using effective decisionmaking skills to avoid  
33 high-risk activities.

34 (7) Discussion about societal views on HIV/AIDS, including  
35 stereotypes and myths regarding persons with HIV/AIDS. This  
36 instruction shall emphasize compassion for persons living with  
37 HIV/AIDS.

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Article 4. In-Service Training

51935. (a) A school district shall cooperatively plan and conduct in-service training for all school district personnel that provide comprehensive sexual health education or HIV/AIDS prevention education, through regional planning, joint powers agreements, or contract services.

(b) In developing and providing in-service training, a school district shall cooperate and collaborate with the School Health Connections Division of the State Department of Education.

(c) In-service training shall be conducted periodically to enable school district personnel to learn new developments in the scientific understanding of sexual health and HIV/AIDS. In-service training shall be voluntary for school district personnel who have demonstrated expertise or received in-service training from the State Department of Education or federal Centers for Disease Control and Prevention.

51936. School districts may contract with outside consultants with expertise in comprehensive sexual health education and HIV/AIDS prevention education, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver the instruction or to provide training for school district personnel.

Article 5. Notice and Parental Excuse

51937. A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education, HIV/AIDS prevention education, and assessments related to that education, as follows:

(a) At the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, each school district shall notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research on pupil health behaviors and risks planned for the coming year. The notice shall include all of the following:

(1) Advise the parent or guardian that written and audio visual educational materials used in comprehensive sexual health



1 education and HIV/AIDS prevention education are available for  
2 inspection.

3 (2) Advise the parent or guardian whether the comprehensive  
4 sexual health education or HIV/AIDS prevention education will  
5 be taught by school district personnel or by outside consultants.

6 (3) Information explaining the parent's or guardian's right to  
7 request a copy of this chapter.

8 (4) Advise the parent or guardian that the parent or guardian  
9 may request in writing that his or her child not receive  
10 comprehensive sexual health education or HIV/AIDS prevention  
11 education.

12 (b) Notwithstanding Section 51513, anonymous, voluntary,  
13 and confidential research and evaluation tools to measure pupils'  
14 health behaviors and risks, including tests, questionnaires, and  
15 surveys containing age appropriate questions about the pupil's  
16 personal beliefs or practices in sex may be administered to any  
17 pupil in grades 7 to 12, inclusive, if the parent or guardian is  
18 notified in writing that this test, questionnaire, or survey is to be  
19 administered and the pupil's parent or guardian is given the  
20 opportunity to review the test, questionnaire, or survey and to  
21 request in writing that his or her child not participate.

22 51938. (a) A pupil may not attend any class in  
23 comprehensive sexual health education or HIV/AIDS prevention  
24 education, or participate in any anonymous, voluntary, and  
25 confidential test, questionnaire, or survey on pupil health  
26 behaviors and risks, if the school has received a written request  
27 from the pupil's parent or guardian excusing the pupil from  
28 participation.

29 (b) A pupil may not be subject to disciplinary action, academic  
30 penalty, or other sanction if the pupil's parent or guardian declines  
31 to permit the pupil to receive comprehensive sexual health  
32 education or HIV/AIDS prevention education or to participate in  
33 anonymous, voluntary, and confidential tests, questionnaires, or  
34 surveys on pupil health behaviors and risks.

35 (c) While comprehensive sexual health education, HIV/AIDS  
36 prevention education, or anonymous, voluntary, and confidential  
37 test, questionnaire, or survey on pupil health behaviors and risks  
38 is being administered, an alternative educational activity shall be  
39 made available to pupils whose parents or guardians have



- 1 requested that they not receive the instruction or participate in the
- 2 test, questionnaire, or survey.

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